

REMARKS/ARGUMENTS

The present amendment is submitted in response to the final Office Action dated July 14, 2008, which set a three-month period for response, making this amendment due by October 14, 2008, and with the initial two-month period for response expiring on September 14, 2008.

Claims 17-20, 22 and 28-32 are pending in the application. Claims 23-27 were withdrawn from further consideration pursuant to an election/restriction requirement.

In the final rejection, claims 17-20, 22 and 28-32 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 28 and 29 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 17, 22, 28 and 29 were rejected under 35 U.S.C. 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 5,005,777 to Fernandez. Claims 18-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez in view of U.S. Patent No. 4,546,933 to Kanada et al. Claims 30-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez in view of Kanada and further in view of U.S. Patent No. 4,652,781 to Andrei-Alexandru et al.

In the present amendment, claim 28 has been amended to correct the noted typographical error.

Regarding the rejection of the claims for lack of enablement, the Applicants respectfully disagree that claim 17 as previously amended includes "new matter". As pointed out in the previous response, claim 20, which corresponds to original claim 4, already defined that the spiral toothing is "formed" on the carrier shaft. Therefore,

for the spiral toothing to be formed on the carrier shaft, it must be "fixedly disposed" thereon. Thus, no new matter has been added; rather, the previous recitation has only been rephrased. Withdrawal of the rejection under Section 112, first paragraph, is therefore respectfully requested.

To more clearly define the present invention over the cited references, claim 17 has been amended to clarify that the spiral toothing is not self-locking. This feature is disclosed on page 12, third paragraph, lines 1-2 of the present application.

On page 4, lines 2 through 5 of the final Office Action, the Examiner refers to column 7, lines 37 through 63 of Fernandez, noting the case of blocking of the belt retractor with a fast pulling-out of the belt band in the *belt withdrawal direction*. In this connection, in column 11, lines 45-50 of Fernandez, it is disclosed that the **speed** in which the belt is pulled out plays an important role and this speed is defined, among other considerations, by the design of the toothing of the gear wheel 52 and the spiral toothing 54. In lines 58-61, it is then more specifically disclosed that the toothings 52, 54 engaged in one another are embodied such that a self-blocking of the components 52, 54 against one another is provided and the belt retractor is immediately blocked.

The self-blocking means, however, that in the case of a pulling out of the belt with a high speed, as occurs in the case of a crash, an axial movement of the spiral toothing 54 against the spring 58 is impossible. The toothings 52, 54 are blocked automatically and reciprocally, thus causing both components to come to a standstill. When, however, an axial movement of the spiral toothing 54 during a crash no longer occurs, a compression of the spring 58, and therewith, friction between the

still-rotating spiral toothing 54 and the axially displaceable arm 56 of the brush set 60, also does not take place.

In this regard, the analysis of the Examiner is incorrect that in the case of blocking, according to column 11, lines 53 through 63, friction between the spiral toothing 54 and the arm 56 can still occur.

It therefore is an important feature of Fernandez that in the event of a crash, the spiral toothing 54 must be formed to be self-locking in its engagement with the gear wheel 52, so that the blocking of the belt retractor can occur as described in column 11, lines 58 through 63.

Thus, with regard to the event of a crash mentioned by the Examiner, a rotation of the belt shaft and therewith the gear wheel 50 occurs in the belt unwinding direction – the same motion also takes place for the positioning of the belt, because also in this case, a pulling on the belt in the belt unwinding direction takes place, in this case with a slower speed. This buckling process is described in particular in column 8, at line 30 of Fernandez. With a slower pulling motion in the belt unwinding direction, the spiral toothing 54 moves in the drawing to the left against the spring 58 and thereby guides with it the arm 56 of the brush set 60. At the end of the buckling process, the spring 58 serves to re-feed the spiral toothing 54 with the arm 56 to the right into its starting position (column 8, lines 65 through 68 of Fernandez).

Friction existing between these two components is damaging, in particular, for this axial movement of the spiral toothing 54 and the arm 56 during buckling or strapping-in because this would indicate that the force expenditure for positioning of the belt is increased. Thus, the practitioner would be concerned that the axial

movement would be hindered by unwanted friction. Here, then, the Examiner's interpretation is unsupported.

Taking into account, then, the different process during a crash event and during placement of the belt, it can be concluded that the toothings of the spiral toothing 54 and the gear wheel 52 are placed such that with a higher speed of pulling out the belt, a self-locking of the spiral toothing occurs.

An essential feature of the present invention is that NO self-locking of the spiral toothing takes place because even with the feature of the present invention of an axial support/bracing of the spiral toothing, there is concern that when necessary, a corresponding blocking at a different position would be caused.

Thus, claim 1 has been amended as noted above to clarify that the spiral toothing of the present invention is NOT self-locking.

Regarding the Examiner's statement on page 4, second paragraph, of the present invention that the spiral toothing 54 is fixed on the carrier shaft 18, the Applicants respectfully disagree that this configuration is disclosed in Fernandez. The spiral toothing 54 as described in Fernandez is at least displaceably disposed axially on the shaft 18 on the shaft (column 4, line 60 of Fernandez) and therefore cannot be mounted fixedly on the carrier shaft in the same manner as in the present invention. This function of the axial displaceability also is absolutely necessary for the belt winder of Fernandez. In contrast, the spiral toothing 19 of the present invention forms a direct component of the carrier shaft 18.

The Examiner's position on page 4, paragraph 3, of the Office Action illustrates clearly how different the invention and the subject matter of Fernandez are, in particular, regarding arranging the spiral toothing on the carrier shaft and then

axially displaceably arranging the carrier shaft. With the present invention, specifically, the carrier shaft 18 is NOT displaceable, and therefore, Fernandez, with a displaceable carrier shaft, would lead the practitioner away from the present invention.

In addition, in the "Response to Arguments" section of the Office Action on page 6, the Examiner repeats a previously stated point relating to the axially moving carrier shaft. As the Applicants have argued previously, this has nothing to do with the present invention.

In the last paragraph on page 6 of the Office Action, the Examiner addresses again the question of friction occurring between the spiral toothing 54 and the brush holder 56. As the Applicants have already stated, the friction at most plays a role during the axial back and forth movement of the spiral toothing 54 and the arm 56 on the carrier shaft 18 in Fernandez; these processes occur, however, only with a slower positioning/placement process. In the event of a crash, based on the self-blocking of the gear wheel 52 with the spiral toothing 54, movement is stopped with the blocking of the belt retractor, so that friction between the spiral toothing 54 and the arm 56 no longer can occur. In general, then, the Applicant notes that friction especially normal operation of the belt retractor must be undesired.

Regarding the Examiner's arguments raised on page 7, first paragraph, of the Office Action, the Examiner once again refers to the supporting force of the counter bearing 6 in Fernandez in the event of blocking. As the Applicants have argued previously, the blocking occurs based on the self-blocking of the gear wheel 52 with the spiral toothing 54 so that no support of the spiral toothing 54 against the spring or the counter bearing 16 takes place.

This also relates to another important difference between the present invention and Fernandez. In Fernandez, as disclosed in column 11, lines 53 through 62, the blocking event of the belt retractor takes place by means of the gear wheel 52 and the spiral toothing 54. In contrast, with the present invention, the spiral toothing 19 has nothing to do with the blocking of the belt shaft. According to the specification and pending claims of the present application, the belt retractor has its own blocking system. The spiral toothing serves primarily for transmission of the rotational movement of the electric motor in a rotation of the belt shaft in the belt winding direction. With this belt-tightening, the operating efficiency of the spiral toothing should be completely effective. With a self-locking spiral toothing, however, the disadvantage would exist that the operating efficiency is worse than with a non-self-locking spiral toothing. To improve the operating efficiency, then, the present invention uses a non-self-locking spiral toothing.

A rotation of the belt shaft in the belt winding position would lead to activation of the special blocking system of the belt retractor when the end of the tightening process takes place with a rotation of the belt shaft in the belt unwinding direction, which causes a pulling of the belt in the belt winding direction. This is not desired. So that this rotation of the belt shaft in the belt unwinding direction does not take place, the spiral toothing 19 is formed so that a rotation in the belt unwinding direction is impossible. Since this spiral toothing 19 according to the present invention, however, is non-self-locking, other technical means must be provided, with which a corresponding effect presents a rotation of the spiral toothing 19 in the belt unwinding direction via the belt shaft. In this connection, the present invention

proposes the arrangement of the friction-increasing component, which is deployed only in the rotational direction of the spiral toothing in the belt unwinding direction.

In this regard, the present invention is not concerned with blocking the belt retractor but merely with preventing the reverse rotation of the spiral toothing in the belt unwinding direction in order to avoid activation of the independent blocking device of the belt unwinding device.

This technical background for the present invention is discussed on page 4 of the present application, while page 2 of the application describes how the present invention addresses and resolves the above disadvantages of the state of the art.

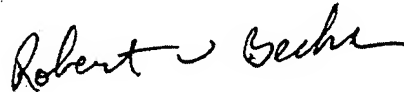
Based on the foregoing distinctions, the Applicants respectfully submit that Fernandez neither anticipates nor renders obvious the subject matter of the pending claims. The Applicants furthermore respectfully submit that Fernandez is not a proper reference under 35 USC 102 pursuant to the guidelines set forth in the last paragraph of MPEP section 2131, where it is stated that "*a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference*", and that "*the identical invention must be shown in as complete detail as is contained in the ... claim*".

Furthermore, it is respectfully submitted that since the prior art does not suggest the desirability of the claimed invention, such art cannot establish a prima facie case of obviousness as clearly set forth in MPEP section 2143.01. Please note also that the modification proposed by the Examiner would change the principle of operation of the prior art, so that also for this reason the references are not sufficient to render the claims prima facie obvious (see the last paragraph of the aforementioned MPEP section 2143.01).

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Amdt. Dated September 12, 2008
Reply to Final Office Action of July 14, 2008

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. However, should the Examiner have any comments or suggestions, or wish to discuss the merits of the application, the undersigned would very much welcome a telephone call in order to expedite placement of the application into condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert W. Becker". The signature is fluid and cursive, with a long horizontal stroke at the end.

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